

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH**

<http://www.courts.state.nh.us>

Court Name: Rockingham Superior Court

Case Name: State v. Leo Cullinan

Case Number: 09-s-881
(if known)

ACKNOWLEDGMENT AND WAIVER OF RIGHTS

I, Leo Cullinan **FELONY**
of Hall Road, Londonderry, New Hampshire

my attorney being Robert T. Wyman, Esquire do hereby freely and voluntarily make the following statements which I understand shall apply to each and every indictment, if there be more than one, to which I intend to plead GUILTY.

I have discussed this present plea of GUILTY to the charge in the indictment with my attorney who has explained the nature of the charge to me. I fully understand the charge of which I stand accused, which is:

Conspiracy to commit armed robbery. RSA 629:3

I understand that I am under no obligation to plead GUILTY, and that even after signing this form I am still under no obligation to plead GUILTY.

I understand that by pleading GUILTY to the indictment I am giving up the following constitutional rights at to that crime.

MY RIGHT to a speedy and public trial.

MY RIGHT to a trial by Jury

MY RIGHT to see, hear, and question all witnesses. This gives me the opportunity and right to confront my accusers and cross-examine them myself or through my attorney

MY RIGHT to present evidence and call witnesses in my favor and to testify on my own behalf.

MY RIGHT to remain silent if I choose, which is my right against self-incrimination, and the jury can draw no inference of guilt from my silence.

MY RIGHT to have the Judge order into court all evidence and witnesses in my favor.

MY RIGHT to have my lawyer continue to defend me, and to present all defenses that I may have.

MY RIGHT not to be convicted except by proof beyond a reasonable doubt with respect to all elements of the charge, which have been explained to me by my attorney.

MY RIGHT to have excluded from evidence any confessions or other evidence obtained in violation of my constitutional rights.

MY RIGHT to appeal, if convicted.

I GIVE UP ALL THE ABOVE RIGHTS OF MY OWN FREE WILL.

Case Name: State v. Leo CullinanCase Number: (09-s-881)**ACKNOWLEDGMENT AND WAIVER OF RIGHTS - FELONY**

I understand that by pleading GUILTY I am admitting to the truth of the charge against me in the indictment, and that, on my admission that I am GUILTY and the Judge's acceptance of my GUILTY plea, a conviction will be entered against me. ^{*the crime be committed, with 1}

I am pleading GUILTY because I am GUILTY. I admit that I ^{co-conspirator committing the act, but not} committed the acts charged in the indictment and Cullinan that I committed the acts by agreeing with 1 or more persons that* (state of mind). No force has been used upon me, nor have any threats been made to me, by any member of the Prosecutor's Office or anyone else in an effort to have me enter this plea of GUILTY to the indictment. No promises have been made to me by any member of the Prosecutor's Office or anyone else in the effort to have me enter this plea of GUILTY to the indictment, except as follows:

Negotiated Plea - One to Three years in State Prison

However, I understand that the Judge is not bound by the Prosecutor's recommendation as to sentence. I understand that I may withdraw my plea if the Judge exceeds the limits of a negotiated plea.

I understand as a consequence of my plea of GUILTY that the Judge may impose such sentence as in his/her discretion s/he considers appropriate, subject, however, to those limits prescribed by law. My attorney, with whose services I am satisfied, has advised me of the penalties that the Judge can impose for the crime to which I have pleaded GUILTY. I understand that his charge against me is a Class A Felony and that the maximum penalty is 15 years, and that in addition a fine may be imposed not to exceed \$ 4,000.00 dollars.

I understand that even though I am pleading GUILTY and giving up my right to call witnesses and testify myself, that this does not apply to the calling of witnesses and testifying on the question of the sentence to be imposed.

I am not under the influence of drugs or alcohol.

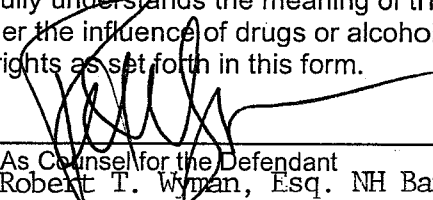
ALL OF THESE STATEMENTS THAT I HAVE GIVEN TODAY IN THIS ACKNOWLEDGMENT AND WAIVER OF RIGHTS ARE TRUTHFUL AND VOLUNTARILY GIVEN.

I do not have any questions at this time of my attorney or of the Prosecutor's Office. If there are any questions of the Judge or if there is anything I would like to say prior to sentencing in this case, my attorney will make this known to the Judge at the time of my plea to this indictment. I understand the entire contents of this Acknowledgment and Waiver of Rights, and I freely and voluntarily sign this form below. I also understand that I may have a copy of this form upon request.

Date 7/9/10Defendant Leo Cullinan

As counsel for the defendant, I have thoroughly explained to the defendant all the above, including the nature of the charge, the elements of the offense which the State must prove beyond a reasonable doubt and the maximum and minimum penalties. I believe the defendant fully understands the meaning of this Acknowledgment and Waiver of Rights, that s/he is not under the influence of drugs or alcohol, and that s/he knowingly, intelligently and voluntarily waives all of his/her rights as set forth in this form.

Date 7/9/10


As Counsel for the Defendant
Robert T. Wyman, Esq. NH Bar No. 8603

The undersigned Justice of the Rockingham Superior Court, having inquired into the education and background of the defendant, is satisfied that s/he fully understands all of his/her rights as set forth above, and that s/he is not under the influence of drugs or alcohol. Court finds that the defendant has the mental capacity to evaluate these rights and, having done so, to knowingly and intelligently waive all of his/her rights as set forth in this form, and the defendant does knowingly, intelligently, and voluntarily waive those rights.

Date _____

Presiding Justice (Lewis, J.)

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WAIVER OF SENTENCE REVIEW

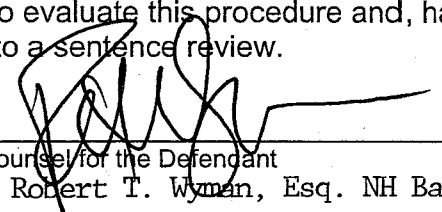
I, Leo Cullinan, have discussed the sentence review procedure set forth in RSA 651:57 through RSA 651:61 with my attorney, with whom I am satisfied, and I understand that upon review, where appropriate, my sentence can be reduced, increased, or it may stay the same. I have freely and voluntarily waived my right to a sentence review and understand that I could have spoken on my behalf at such a review hearing. I have read the foregoing statement and voluntarily sign the same.

Date 7/9/10

Defendant Leo Cullinan

I, Robert T. Wyman, Esq., as counsel for the defendant, have thoroughly explained to the defendant all of the above, and I believe that the defendant fully understands the procedure outlined herein and has the mental capacity to evaluate this procedure and, having done so, agrees knowingly and intelligently to waive his right to a sentence review.

Date 7/9/10


Counsel for the Defendant
Robert T. Wyman, Esq. NH Bar No. 8603

WAIVER OF SENTENCE REVIEW BY THE STATE OF NEW HAMPSHIRE

I, _____, do hereby state that I understand the provisions of RSA 651:57 through RSA 651:61 which grants the State a right to apply for sentence review of the State Prison sentence imposed on the aforementioned individual, and I hereby waive this right to sentence review as provided in said statutes.

Date _____

Prosecuting Attorney _____

THE STATE OF NEW HAMPSHIRE

JUDICIAL BRANCH

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(if known)

STATE PRISON SENTENCE

Plea/Verdict: <u>Guilty</u>	Clerk:
Crime: <u>Conspiracy to commit AR 629:3</u>	Date of Crime: <u>8/10/07</u>
Monitor:	Judge: <u>J. Lewis</u>

A finding of GUILTY is entered.

- ☐ If this box is checked, the defendant is a member or veteran of the armed forces.
- ☐ The presentence investigation report prepared under RSA 651:4 was considered by the Court.
- ☐ A presentence investigation report was waived by: ☒ Defendant and State ☐ Court
- ☐ 1. The defendant is sentenced to the New Hampshire State Prison for not more than 3 year(s) (months), nor less than 1 year(s) (months). There is added to the minimum sentence a disciplinary period equal to 150 days for each year of the minimum term of the defendant's sentence, to be prorated for any part of the year.
- ☐ 2. This sentence is to be served as follows: ☒ Stand committed ☐ Commencing _____
- ☐ 3. 0 of the minimum sentence is suspended
0 of the maximum sentence is suspended
- Suspensions are conditioned upon good behavior and compliance with all of the terms of this order. Any suspended sentence may be imposed after a hearing brought by the State within _____ years of today's date.
- ☐ 4. _____ of the sentence is deferred for a period of _____.
Thirty (30) days prior to the expiration of the deferred period, the defendant may petition the Court to show cause why the deferred commitment should not be imposed. Failure to petition within the prescribed time will result in the immediate issuance of a warrant for your arrest.
- ☐ 5. _____ of the minimum sentence may be suspended by the Court on application of the defendant provided the defendant demonstrates meaningful participation in a sexual offender program while incarcerated.
- ☐ 6. The sentence is ☐ consecutive to _____
☐ concurrent with _____
- ☐ 7. Pretrial confinement credit: 303 days. from 9/10/09.
- ☐ 8. The Court recommends to the Department of Corrections:
- ☐ A. Drug and alcohol treatment and counseling
- ☐ B. Sexual offender program
- ☐ C. Sentence to be served at the House of Corrections
- ☐ D. _____

Pursuant to RSA 499:10:a, the clerk shall notify the appropriate health care regulatory board if this conviction is for a felony and the person convicted is licensed or registered as a health care provider.

Case Number: 09-3-881

STATE PRISON SENTENCE

PROBATION

- ☐ 9. The defendant is placed on probation for a period of _____ year(s), upon the usual terms of probation and any special terms of probation determined by the Probation/Parole Officer.
- Effective: ☐ Forthwith ☐ Upon Release _____
- ☐ The defendant is ordered to report immediately to the nearest Probation/Parole Field Office.
- ☐ 10. Violation of probation or any of the terms of this sentence may result in revocation of probation and imposition of any sentence within the legal limits for the underlying offense.

OTHER CONDITIONS

- ☐ 11. The following conditions of this sentence are applicable whether incarceration is suspended, deferred or imposed or whether there is no incarceration ordered at all. Failure to comply with these conditions may result in the imposition of any suspended or deferred sentence.
- ☐ A. The defendant is fined \$ _____ plus statutory penalty assessment to be paid:
- ☐ Now ☐ By _____
- ☐ As determined by the Probation/Parole Officer
- ☐ \$ _____ of the fine is suspended
- ☐ Penalty Assessment suspended
- ☐ B. The defendant is ordered to make restitution of \$ _____ plus statutory 17% administrative fee
- ☐ Through the Dept. of Corrections as directed by the Probation/Parole Officer
- ☐ Through the Dept. of Corrections on the following terms:
- _____
- _____
- ☐ At the request of the defendant or the Dept. of Corrections, a hearing may be scheduled on the amount or method of payment of restitution
- ☐ Restitution is not ordered because:
- _____
- _____
- ☐ C. The defendant is to participate meaningfully and complete any counseling, treatment and educational programs as directed by the correctional authority or Probation/Parole Officer.
- ☐ D. Under the direction of the Probation/Parole Officer, the defendant shall tour the
- ☐ New Hampshire State Prison
- ☐ House of Corrections
- ☐ E. The defendant shall perform _____ hours of community service under the direction of
- ☐ Probation/Parole Officer
- ☒ F. The defendant has waived sentence review in writing or on the record
- ☐ G. The defendant is ordered to be of good behavior and comply with all the terms of this sentence
- ☐ H. Other: _____

Date _____

Presiding Justice _____